IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.2431 of 2006 (O&M)

Date of Decision: November 28, 2006

Parveen Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE RANJIT SINGH

PRESENT: Mr.Vivek K.Thakur, Advocate,
for the petitioner.

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This revision petition is directed against the judgment of Sessions Judge, Kapurthala dated 1.11.2006, who while maintaining the conviction of the petitioner under Section 420 IPC, has reduced the sentence from 2 years to 1-1/2 years as was awarded to the petitioner by the trial Court. The FIR against the petitioner was registered under Section 420 IPC on a letter addressed to the Senior Superintendent of Police, Kapurthala by one Faquir Singh with the allegation that the complainant was induced to pay a sum of Rs.two lacs on a promise for being sent to Germany. Neither the complainant was sent to Germany nor the money, which was taken from him, was ever returned. The prosecution in support of its case examined eight witnesses. The petitioner had denied the allegations made against him. Having regard to the evidence of the prosecution, the trial Court convicted the petitioner and sentenced him to

undergo two years rigorous imprisonment and a fine of Rs.2,000/-. The Appellate Court maintained the conviction, but reduced the sentence to 1-1/2 years, which is now impugned in the present revision.

The basic submission made by the counsel for the petitioner is that this is not a case of receipt of money as a travel agent. Drawing my attention to the defence evidence led through Kamlesh Kumari, it has been urged that there was an agreement to purchase land between the petitioner and the complainant. The complainant had failed to get the sale deed executed, which led to filing of this false case. Basically prayer made is that the defence version has not been accepted.

I have perused the documents on record. The prosecution case seeks support not only from the version of the complainant, who stood by the entire story, but from number of independent witnesses. Accordingly, it can be said that the version of the complainant had received full support by the evidence of other witnesses, which could not be dented much even during cross-examination. Bikramjit Singh (PW-2), Kulwant Kaur (PW-3), Dharam Pal (PW-4) and Jaswant Singh (PW-5) appeared to state that promise was made with the complainant for sending him abroad and it was further promised that he would be settled with a woman, who was stated to be permanent resident of Germany. The evidence was also led to show how the complainant had arranged money by taking the same on interest from the money-lender and had to sell land to repay the said amount. All these aspects were rightly appreciated by the trial Court as well as the Appellate Court. The Courts below were

fully justified in finding that the prosecution has proved its case. The defence version has not been believed. Nothing could be pointed out before me to show any infirmity in the evidence or in the record, which could call for interference in revision. Accordingly, no case for interference is made out.

The counsel for the petitioner then prayed for the release of the petitioner on probation on the ground that petitioner was not a previous convict. This prayer was also made before both the Courts below, but was declined. No other special reason could be pointed out before me for release of the petitioner on probation. It is noticed that in this part of the country, the offences of this nature are rather on the increase. Large number of innocent people are being fleeced by certain unscrupulous elements of the society, posing themselves as travel agents. Such offences and mis-conduct on the part of the persons need to be discouraged. There is no scope of showing any unwarranted sympathy or leniency in such cases.

Accordingly, I do not consider this to be a fit case where the release of the petitioner on probation is required to be ordered. This prayer of the petitioner, as such, is rejected.

Petition dismissed.

November , 2006 ( RANJIT SINGH )
ramesh JUDGE